

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ORLANDO MONTES,**

**Plaintiff,**

**v.**

**16-cv-0126 JCH/SMV**

**PINNACLE PROPANE, L.L.C.,  
ALLEN SULTEMEIER, COUNTY OF LINCOLN,  
LINCOLN COUNTY FAIR ASSOCIATION,  
and JOHN DOES I-II,**

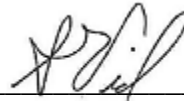
**Defendants.**

**ORDER AWARDING EXPENSES**

THIS MATTER is before the Court on the Affidavit of attorney Erin Rolstad, corporate counsel for the parent company of Defendant Pinnacle Propane [Doc. 166], filed on October 31, 2016. Plaintiff had filed a Motion for Discovery Sanctions [Docs. 137, 138] on September 16, 2016, which the Court denied on October 18, 2016. [Doc. 164]. The Court found that Plaintiff was not substantially justified in filing the motion and that no other circumstances would have made an award of expenses unjust. [Doc. 164] at 5. Therefore, pursuant to Fed. R. Civ. P. 36(a)(6) and 37(a)(5)(B), the Court found that Pinnacle was entitled to its reasonable expenses incurred in opposing the motion, including attorney's fees. *Id.* Attorney Rolstad timely filed her affidavit showing that Pinnacle had expended \$789.86 in opposing the motion. [Doc. 166]. Plaintiff had ten days to object to the amount or reasonableness of the expenses claimed, but he has filed no objection.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Plaintiff pay Defendant Pinnacle Propane \$789.86 no later than **December 5, 2016**.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'S. Vidmar', is positioned above a horizontal line.

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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**